

IN THE MATTER OF :
THE APPLICATION OF :
FRANCIS G. MARKERT, JR., ET UX :
FOR A ZONING VARIANCE ON PROPERTY :
LOCATED ON THE NORTHWEST SIDE OF :
EDITHA ROAD, 638' NORTHEAST OF THE :
CENTRALLINE OF FORK ROAD :
(13416 BOTTOM ROAD) :
11th Election District :
6th Councilmanic District :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
CASE NO. 89-131-A :

OPINION

This case comes before this Board on appeal from the decision of the Zoning Commissioner denying the Petition for Variance to allow an existing structure to be located in the front yard in lieu of the required rear yard. The case was heard this day in its entirety.

Testimony was taken from Francis Markert, the property owner. He testified to the history of the site, submitted evidence showing the accessory building and the residence, which is apparently virtually complete, and delineated his reasons for the requested variance. There was testimony that the building permit was issued in May of 1988 and that in July of 1988, Mr. Markert was notified that, before occupancy could be granted, the building in question must be torn down or a variance granted to permit its existence. Mr. Markert testified that the existing structure could not be incorporated into his rear yard because there was not sufficient distance between the front of the existing structure and Bottom Road to erect his residence. There was no denial that, if the building had to be torn down, there was ample room in the rear yard to replace it. He also testified that the building in question was used for the storage of farming machinery and that he intended to use it for accessory use to his residence.

There was testimony from Richard D. Ayres, the contractor who is erecting his residence, that the estimated cost to tear down the in-question

Case No. 89-131-A
Francis G. Markert, Jr., et ux
building and remove it would be about \$1,800, but that the cost to replace it on the rear of the lot would be in excess of \$16,000. He further testified that he had personal knowledge that the building in question was erected in 1953.

The Board will note for the record that the only Appellee/Protestant in this case was Ms. Charlotte Pine, who resides in the area but who was not at the hearing.

The Board will first address Appellant's contention that the building should be afforded a nonconforming use since its existence pre-dates the 1955 statute. It is clear to the Board that the structure was erected to be used in conformity with the agricultural use of the land at that time. The subsequent subdivision of the land into smaller parcels creating a residential use no longer qualifies the building for a nonconforming use, since the use is the criteria by which nonconforming is adjudged. Since the Petition did not address the potential nonconforming use, but since the issue was raised in the Board's hearing, the Board will not issue an order as to the nonconforming use but will in this Opinion document its position on this matter.

The Board in considering the testimony and evidence presented in this case will emphasize the following considerations presented at this hearing. The testimony indicates that it would be virtually impossible to erect the new residence in such a position that the existing building would be confined to the rear yard. This in and of itself creates hardship to the Petitioner. The Board in this Opinion quite frankly can not recognize why the Petitioner wants to maintain this rudimentary building in his front yard when aesthetically it has to detract from the appearance of the extremely presentable residence being built behind it. This, however, is not a decision for the Board to make but for the Petitioner to make. There is ample evidence and testimony presented

Case No. 89-131-A
Francis G. Markert, Jr., et ux
that the neighbors are used to seeing this building and that they have almost without exception raised no opposition to its continued accessory use, the lone exception being Ms. Charlotte Pine, and her fears as to its illegal use could be fully controlled by existing regulations. The building has been in existence since 1953 and has apparently created no detrimental effect whatsoever on the neighborhood. In addition, Petitioner has testified that he intends to redecorate the outside of the building so that it will be in conformity with the construction of the new residence erected in the rear.

It is the opinion of this Board from the testimony and evidence produced at this hearing that the requirements legislated in Section 307.1 of the Baltimore County Zoning Regulations have been satisfied and that the Board is within its power to grant the requested variance.

ORDER

It is therefore this 3rd day of May, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance to permit the existing accessory structure to be located in the front yard in lieu of the required rear yard be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Arnold G. Foreman
Arnold G. Foreman
Henry H. Lewis
Henry H. Lewis

HAND DELIVERED

Baltimore County Board of Appeals
County Office Building Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/S Bottom Road, 638' NE of the C/L of Fork Road
(13416 Bottom Road)
11th Election District, 6th Councilmanic District
FRANCIS G. MARKERT, JR., ET UX - Petitioners
Case No. 89-131-A

Gentlemen:

In reference to the above captioned Appeal, this is to advise that Charlotte W. Pine has been suddenly called out of town on business and is not available for the hearing on Thursday, April 20th.

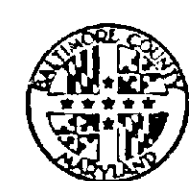
Your indulgence in this matter will be appreciated.

Very truly yours,

Valerie Garrison
Valerie Garrison
Secretary

vg

40-8-10 31-1-103



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(800) 486-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

April 19, 1989

The Honorable
William T. Hackett, Chairman
Baltimore County Board of Appeals
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Francis G. Markert, Jr., et ux,
Petitioners - Zoning Case No.
89-131-A

Dear Chairman Hackett:

This case was recently brought to our attention and our office desires to support the Zoning Commissioner's position in this matter. Consequently, I enclose our Entry of Appearance.

I understand that Protestant's attorney will be requesting a postponement and by this letter, we join in that request since the hearing date falls on a religious holiday and neither Peter Max Zimmerman, Deputy People's Counsel, nor I will be able to attend.

Thank you for your consideration.

Sincerely yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Enclosure

cc: Kevin M. Soper, Esquire
Charlotte W. Pine, Esquire

PCF:sh

25-MAY 01 1989

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
NW/S Bottom Rd., 638' NE of :
C/L of Fork Rd. (13416 Bottom : OF BALTIMORE COUNTY
Rd.), 11th Election District; :
6th Councilmanic District :
FRANCIS G. MARKERT, JR., et ux, : Case No. 89-131-A
Petitioners :

ENTRY OF APPEARANCE

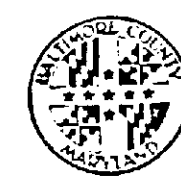
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 19th day of April, 1989, a copy of the foregoing Entry of Appearance was mailed to Kevin M. Soper, Semmes, Bowen & Semmes, 250 West Pratt St., Baltimore, MD 21201; and Charlotte W. Pine, Esquire, 607 Baltimore Ave., Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180 887-3180

HEARING ROOM -
Room 301, County Office Building

January 23, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-131-A

FRANCIS G. MARKERT, JR., ET UX
NW/S Bottom Road, 638' NE of C/L of Fork Road
(13416 Bottom Road)

11th Election District
6th Councilmanic District

VAR - To allow garage to be located in front yard
in lieu of required rear yard

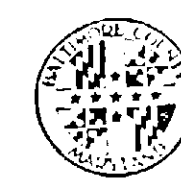
10/27/88 - Z.C.'s Order that Petition for Variance
is DENIED.

ASSIGNED FOR:

THURSDAY, APRIL 20, 1989 at 10:00 a.m.

cc: Mr. & Mrs. Francis G. Markert, Jr. Appellants /Petitioners
Kevin M. Soper, Esquire Counsel for Appellants /Petitioners
Ms. Charlotte Pine Appellee /Protestant
People's Counsel for Balto. County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

May 3, 1989

Kevin N. Soper, Esquire
SEMME, BOWEN & SEMMES
250 W. Pratt Street
Baltimore, MD 21201

RE: Case No. 89-131-A
Francis G. Markert, Jr., et ux

Dear Mr. Soper:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

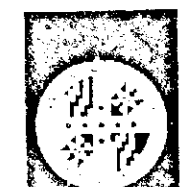
Encl.

cc: Mr. & Mrs. Francis G. Markert, Jr.
Charlotte Pine, Esquire
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 23, 1988



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/8 Bottom Road, 633' NE of the C/1 of Fork Road
(13416 Bottom Road)
11th Election District, 6th Councilmanic District
FRANCIS G. MARKERT, JR., ET UX - Petitioners
Case No. 89-131-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 14, 1988 by Kevin M. Soper, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. ROBERT HAINES
Zoning Commissioner

JRH:ccr

Enclosures

cc: Mr. & Mrs. Francis G. Markert, Jr.
3227 Texas Avenue, Baltimore, Maryland 21234
Mr. Kevin M. Soper, 250 West Pratt Street, Baltimore, Md. 21201
Ms. Charlotte Pine, 13310 Ford Road, Baldwin, Md. 21013
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

IN RE: PETITION FOR ZONING VARIANCE
NW/8 Bottom Road, 633' NE of the C/1 of Fork Road
(13416 Bottom Road)
11th Election District
6th Councilmanic District
Francis G. Markert, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mr. Markert, appeared, testified and was represented by Kevin M. Soper, Esquire. Charlotte Pine appeared and testified as a Protester.

Testimony indicated that the subject property, known as 13416 Bottom Road, is zoned R.C. 2 and is improved with an existing concrete block building situated towards the front (street side) of the property. The building is used primarily as a tractor shed and storage building. The subject property was subdivided in February 1988 from Lot 1 as shown on Petitioner's Exhibit 1. As a result of this subdivision, the existing concrete block building remained as the sole structure on Lot #2. Petitioners propose constructing a new two and one-half story dwelling unit, with an attached garage, porch and deck, approximately 160 feet from the center of Bottom Road. This will result in the existing concrete block building being located in the front yard in violation of the zoning regulations. The Petitioner claims he had no knowledge the structure was in violation and that it has existed for 30 years or more without any problems.

ORDER RECEIVED FOR FILING

Date 11/23/88
By J. Robert Haines

The Petitioner testified that he does not want to remove the building as he believes it is too expensive. He also stated he may wish to use a similar building in the future for furniture refinishing and storage of additional furniture.

Ms. Pine testified in protest that the proposed variance will create a diminution of value of the residential property she owns at the corner of Fork Road and Bottom Road. Although the Protester is not an immediately adjoining landowner, her property is located nearby. The Protester believes the existing structure will be used for automobile repairs or some similar business activity. That it will be used in an illegal manner, any of which are unacceptable aesthetically speaking as well as from a zoning standpoint. Ms. Pine also argued that the variance being requested is unnecessary since the subject property is more than adequate to accommodate a properly placed accessory structure. That there is no true hardship created by any of the zoning regulations. The Petitioner's only hardship is created by his own decision to place the dwelling in the location as shown on Petitioner's Exhibit 1 and by the recent subdivision of the property.

Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and/or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "[t]he standard for granting a variance... is... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable

ORDER RECEIVED FOR FILING

Date 11/23/88
By J. Robert Haines

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hardship;" and that it should be granted only if it is a "practical difficulty or unreasonable hardship" and that it should be granted only if it is a "practical difficulty or unreasonable hardship" and that it should be granted only if it is a "practical difficulty or unreasonable hardship."

The question therefore is whether it was fairly established that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

The Petitioner's request raises the entire point of the established case law. A zoning variance is not and should not be granted simply because of the ignorance of a prospective buyer. The burden is upon the buyer to check the law. Secondly, this is an obvious case of self-created hardship. The Petitioner's desire to construct the new dwelling 160 feet from the center of Bottom Road and the subdivision of the original larger parcel to create Lot 2 have led to the creation of this hardship. The hardship has not been created by the representation of the Petitioner. Clearly, when Lots 1 and 2 were one parcel of land, the existing structure was to the rear of the original home. The subdivision of the property and the decision to place the proposed home in the location shown on Petitioner's Exhibit 1 are by personal preference and not due to any unique conditions of the land or the inability to place the home in a proper location.

The issue before the Zoning Commissioner is whether or not the subject Petition should be granted in light of the evidence offered for practical difficulty or unreasonable hardship. As stated above, I believe the hardships are self-created. The Petitioner made the decision to construct the dwelling in the location shown on Petitioner's Exhibit 1, and was created by subdivision from the original tract to facilitate the development of this lot as a residential property. Therefore, the actions of

ORDER RECEIVED FOR FILING

Date 11/23/88
By J. Robert Haines

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both the Petitioners' predecessor in title, and the Petitioners themselves have created the alleged hardship.

The concept of a self-created hardship is well-founded in the case law. Such self-created hardships are not accepted as legitimate grounds for a variance. This principle has recently been reaffirmed by the Maryland Court of Appeals in Ad-Soil, Inc. vs. County Commissioners of Queen Anne's County, 307 Md. 307, 513A.2d 893 (1986). In this most recent reaffirmation of the established principle of self-induced or self-created hardship, the Maryland Court of Appeals affirmed the decision of a local zoning administrative body when the evidence clearly establishes that the alleged hardship has been created by the actions of the Petitioner. In that matter, the requested variances were claimed because the Petitioner alleged that the operation had already begun and that the facilities already existed.

In this case, the Petitioners' primary claim for the variance is that the concrete block building already exists. The building has not been harmful to anyone for 30 years when it was part of the larger parcel of land. Clearly, the Court of Appeals has found that the fact of pre-existence does not justify the requested variance. Likewise, in Ad-Soil, Inc., the Maryland Court of Appeals found that there were no exceptional or extraordinary characteristics of the land itself which prevented the Petitioner from constructing its facilities in an appropriate location respecting all necessary zoning ordinances. In the case at bar, there is absolutely no credible evidence that an accessory structure cannot be placed in the rear of this lot. On the contrary, the Petitioner claims that the only reason for not wanting to construct an accessory structure in the rear is because of the financial considerations for leaving the

ORDER RECEIVED FOR FILING

Date 11/23/88
By J. Robert Haines

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existing structure where it is. Finally, as in Ad-Soil, Inc., the Petitioner has more than sufficient land to properly comply with all the required zoning ordinances. The Petitioners' request is based upon his personal preferences and not upon any hardship created by either the B.C.Z.R. and/or the particular or unique circumstances of the land in question. This is clearly a case of preference and not a case of necessity.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and zoning regulations would cause practical difficulty to the petitioner and zoning regulations would cause practical difficulty to the petitioner.

- To prove practical difficulty for an area variance, the Petitioner must meet the following:
- 1) whether strict compliance with requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
 - 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
 - 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

ORDER RECEIVED FOR FILING

Date 11/23/88
By J. Robert Haines

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of October, 1988 that the Petition for Zoning Variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/23/88
By J. Robert Haines

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 27, 1988



Kevin M. Soper
Seemee, Bowen & Seemee
401 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/8 Bottom Road, 633' NE of the C/1 of Fork Road
(13416 Bottom Road)
11th Election District - 6th Councilmanic District
Francis G. Markert, Jr., et ux - Petitioners
Case No. 89-131-A

Dear Mr. & Mrs. Markert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:bjs

cc: Ms. Charlotte Pine
13310 Fork Road
Baldwin, Maryland 21013
People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-131-A
13416 Bottom Road, 638' NE of c/l of Fork Road
(13416 Bottom Road)
11th Election District - 6th Councilmanic District
Petitioner(s): Francis G. Markert, Jr., et ux
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 2:00 p.m.

Variance to allow an accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

SEMME'S. BOWEN & SEMMES

ATTORNEYS AT LAW
250 WEST PRATT STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301 538 5040
TELECOMMER 301 538 5223
CABLE TELETYPE
TELEX 87-476

November 11, 1988

TOWSON, MARYLAND OFFICE
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
TELEPHONE 410 296 4400

PLEASE REPLY TO
TOWSON, MARYLAND OFFICE

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Room 113
Attention: Charlotte Radcliffe
Towson, Maryland 21204

Re: Petition for Zoning Variance - Francis G. Markert, Jr.
et ux. Petitioners - Case No. 89-131-A

Dear Ms. Radcliffe:

Please be advised that I represent the petitioners in the above-referenced matter. Upon my advice, the petitioners would like to exercise their right to file an appeal from the October 27, 1988 order of Commissioner Haines. It is my understanding that this letter effectively acts as a notice of appeal. If I am incorrect in this understanding, please advise me promptly.

Additionally, I have enclosed here Mr. and Mrs. Markert's check in the amount of \$90.00 which I understand is the required filing fee. I am also of the understanding that this letter will suffice as a formal entry of my appearance in this matter on behalf of Mr. and Mrs. Markert pursuant to Rule 6D, Rules of Practice and Procedure of County Board of Appeals.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11-15-88 ACCOUNT: 001 000 000 000

AMOUNT: \$ 90.00

RECEIVED FROM: 001 000 000 000

FOR: 001 000 000 000

VALIDATION OR SIGNATURE OF CASHIER

yours,

oper

NOV 14 1988

ZONING OFFICE

89-131-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
day of , 19 .

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Francis G. Markert, Jr., et ux. Received by: J. Robert Haines
Petitioner's Attorney: Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 89-120-A (Valley Ltd.); 89-122-A (C. Weiner);
89-123-A (Griff); 89-127-A (Brown); 89-129-A (Lewis); 89-130-A (Re der);
89-131-A (Markert); 89-132-A (Sunderland); 89-134-X (Zink)

The Office of Planning and Zoning has no comment on the above listed projects.

FK/sf

RECEIVED ZONING OFFICE
DATE: 10/14/88

APPEAL

Petition for Zoning Variance
NW/3 Bottom Road, 638' NE of the c/l of Fork Road
(13416 Bottom Road)
11th Election District - 6th Councilmanic District
FRANCIS G. MARKERT, JR., ET UX - PETITIONER
Case No. 89-131-A

VAR.-to allow an accessory structure (garage) to be located
in the frt. yd. in lieu of required rear yd.

Petition for Zoning Variance (and basis of practical difficulty)

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Zoning Variance Plan

2. Petition of Support

Zoning Commissioner's Order dated October 27, 1988 (Denied)

Notice of Appeal received November 14, 1988 from Kevin M. Soper,

Attorney on behalf of the Petitioners

cc: Mr. & Mrs. Francis G. Markert, Jr.
3227 Texas Avenue, Baltimore, Maryland 21234

*Mr. Kevin M. Soper, 250 West Pratt Street, Baltimore, Md. 21201

Ms. Charlotte Pine, 13310 Ford Road, Baldwin, Md. 21013

People's Counsel of Baltimore County, 111 W. Chesapeake Ave., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning

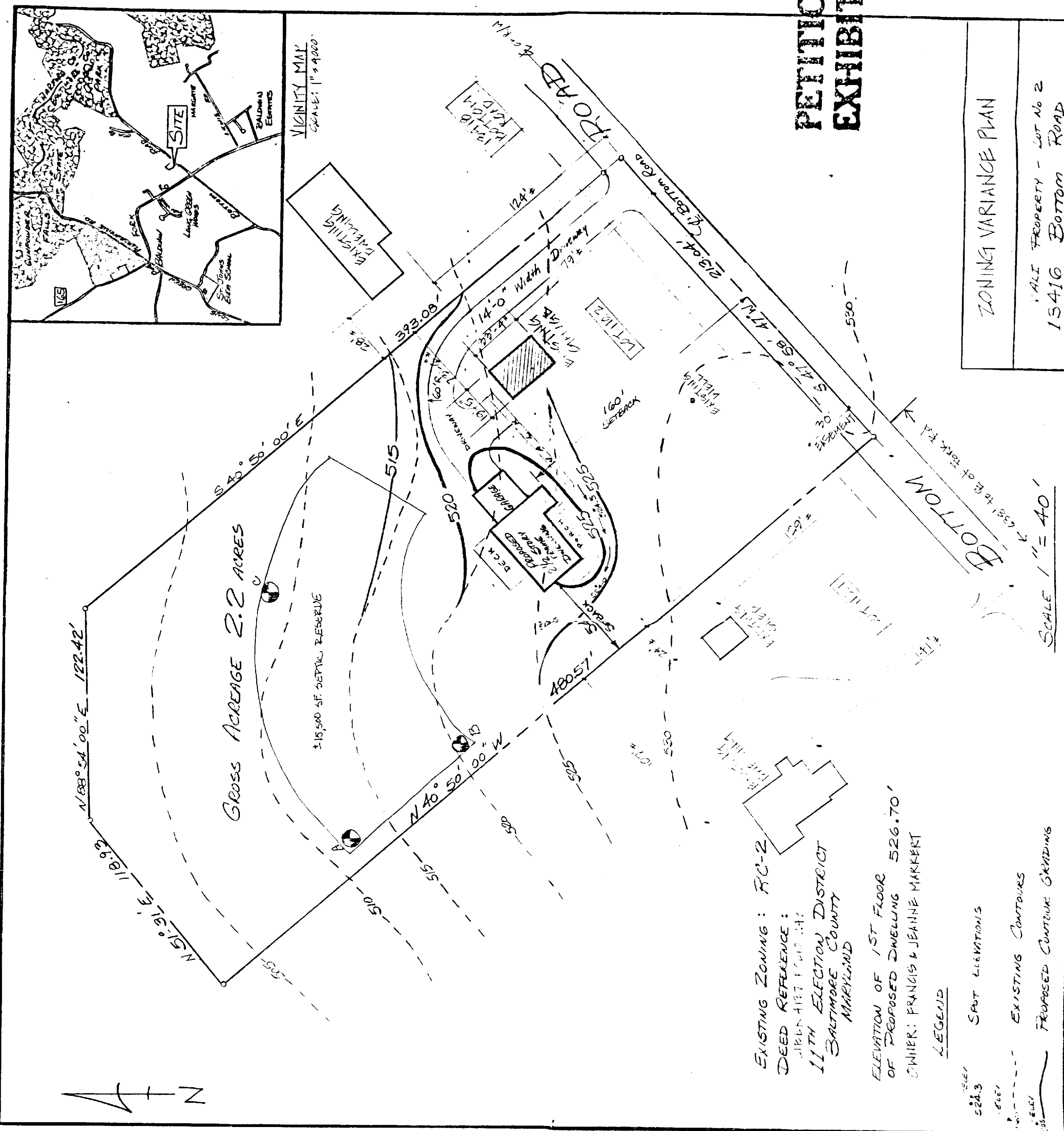
Patrick Keller, Office of Planning & Zoning

J. Robert Haines, Zoning Commissioner

Ann M. Nastarowicz, Deputy Zoning Commissioner

James E. Dyer, Zoning Supervisor

Docket Clerk



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 3, 1988

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

Mr. & Mrs. Francis G. Markert, Jr.
3227 Texas Avenue
Baltimore, Maryland 21234

RE: Item No. 51 - Case No. 89-131-A
Petitioner: Francis G. Markert, Jr., et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Markert:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2106
494-4541

Page 1 of 2

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Francis G. Markert, Jr., et ux

Location: NW/3 Bottom Road, 638' NE of c/l of Fork Road

13416 Bottom Road

Item No.: 51

Zoning Agenda: Meeting of 10/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved _____ and in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.